



General Assembly

**Amendment**

January Session, 2009

LCO No. 8559

**\*SB0082608559SD0\***

Offered by:

SEN. HARRIS, 5<sup>th</sup> Dist.

REP. RITTER, 38<sup>th</sup> Dist.

To: Senate Bill No. 826

File No. 640

Cal. No. 427

**"AN ACT CONCERNING THE LICENSURE OF CHILD DAY CARE FACILITIES AND YOUTH CAMPS."**

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- 1 Strike line 28 in its entirety and insert the following in lieu thereof:
- 2 "concerning reports and investigations of suspected child abuse or
- 3 neglect, including records of any administrative hearing held pursuant
- 4 to section 17a-101k: (1) Occurring at any"
- 5 In line 68, after "substantiated" insert "after investigation or reversed
- 6 after appeal"
- 7 After the last section, add the following and renumber sections and
- 8 internal references accordingly:
- 9 "Sec. 501. Subsection (f) of section 17a-28 of the general statutes is
- 10 repealed and the following is substituted in lieu thereof (*Effective*
- 11 *October 1, 2009*):
- 12 (f) The commissioner or the commissioner's designee shall, upon

13 request, promptly provide copies of records, without the consent of a  
14 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,  
15 or the Chief State's Attorney's designee, or a state's attorney for the  
16 judicial district in which the child resides or in which the alleged abuse  
17 or neglect occurred, or the state's attorney's designee, for purposes of  
18 investigating or prosecuting an allegation of child abuse or neglect, (3)  
19 the attorney appointed to represent a child in any court in litigation  
20 affecting the best interests of the child, (4) a guardian ad litem  
21 appointed to represent a child in any court in litigation affecting the  
22 best interests of the child, (5) the Department of Public Health, [which  
23 licenses] in connection with: (A) Licensure of any person to care for  
24 children for the purposes of determining the suitability of such person  
25 for licensure, subject to the provisions of sections 17a-101g and 17a-  
26 101k, or (B) an investigation conducted pursuant to section 19a-80f, (6)  
27 any state agency which licenses such person to educate or care for  
28 children pursuant to section 10-145b or 17a-101j, subject to the  
29 provisions of sections 17a-101g and 17a-101k concerning nondisclosure  
30 of findings of responsibility for abuse and neglect, (7) the Governor,  
31 when requested in writing, in the course of the Governor's official  
32 functions or the Legislative Program Review and Investigations  
33 Committee, the joint standing committee of the General Assembly  
34 having cognizance of matters relating to the judiciary and the select  
35 committee of the General Assembly having cognizance of matters  
36 relating to children when requested in the course of said committees'  
37 official functions in writing, and upon a majority vote of said  
38 committee, provided no names or other identifying information shall  
39 be disclosed unless it is essential to the legislative or gubernatorial  
40 purpose, (8) a local or regional board of education, provided the  
41 records are limited to educational records created or obtained by the  
42 state or Connecticut-Unified School District #2, established pursuant to  
43 section 17a-37, (9) a party in a custody proceeding under section 17a-  
44 112 or 46b-129, in the Superior Court where such records concern a  
45 child who is the subject of the proceeding or the parent of such child,  
46 (10) the Chief Child Protection Attorney, or his or her designee, for  
47 purposes of ensuring competent representation by the attorneys whom

48 the Chief Child Protection Attorney contracts with to provide legal and  
49 guardian ad litem services to the subjects of such records and to ensure  
50 accurate payments for services rendered by such contract attorneys,  
51 and (11) the Department of Motor Vehicles, for purposes of checking  
52 the state's child abuse and neglect registry pursuant to subsection (e) of  
53 section 14-44. A disclosure under this section shall be made of any part  
54 of a record, whether or not created by the department, provided no  
55 confidential record of the Superior Court shall be disclosed other than  
56 the petition and any affidavits filed therewith in the superior court for  
57 juvenile matters, except upon an order of a judge of the Superior Court  
58 for good cause shown. The commissioner shall also disclose the name  
59 of any individual who cooperates with an investigation of a report of  
60 child abuse or neglect to such law enforcement agency or state's  
61 attorney for purposes of investigating or prosecuting an allegation of  
62 child abuse or neglect. The commissioner or the commissioner's  
63 designee shall, upon request, subject to the provisions of sections 17a-  
64 101g and 17a-101k, promptly provide copies of records, without the  
65 consent of the person, to (A) the Department of Public Health for the  
66 purpose of determining the suitability of a person to care for children  
67 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82  
68 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social  
69 Services for determining the suitability of a person for any payment  
70 from the department for providing child care.

71 Sec. 502. Subsection (l) of section 17a-28 of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective*  
73 *October 1, 2009*):

74 (l) Information disclosed from a person's record shall not be  
75 disclosed further without the written consent of the person, except if  
76 disclosed (1) pursuant to the provisions of section 19a-80f, or (2) to a  
77 party or his counsel pursuant to an order of a court in which a criminal  
78 prosecution or an abuse, neglect, commitment or termination  
79 proceeding against the party is pending. A state's attorney shall  
80 disclose to the defendant or his counsel in a criminal prosecution,  
81 without the necessity of a court order, exculpatory information and

82 material contained in such record and may disclose, without a court  
83 order, information and material contained in such record which could  
84 be the subject of a disclosure order. All written records disclosed to  
85 another individual or agency shall bear a stamp requiring  
86 confidentiality in accordance with the provisions of this section. Such  
87 material shall not be disclosed to anyone without written consent of  
88 the person or as provided by this section. A copy of the consent form  
89 specifying to whom and for what specific use the record is disclosed or  
90 a statement setting forth any other statutory authorization for  
91 disclosure and the limitations imposed thereon shall accompany such  
92 record. In cases where the disclosure is made orally, the individual  
93 disclosing the information shall inform the recipient that such  
94 information is governed by the provisions of this section."